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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/887,804	06/22/2001	Paul T. Schultz	COS-01-001 (977-011)	7612
25537	7590	03/31/2005	EXAMINER	
MCI, INC TECHNOLOGY LAW DEPARTMENT 1133 19TH STREET NW, 10TH FLOOR WASHINGTON, DC 20036				ELISCA, PIERRE E
		ART UNIT		PAPER NUMBER
		3621		

DATE MAILED: 03/31/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b>	<b>Applicant(s)</b>
	09/887,804	SCHULTZ ET AL
	<b>Examiner</b>	<b>Art Unit</b>
	Pierre E. Elisca	3621

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) Responsive to communication(s) filed on 14 January 2005.
- 2a) This action is FINAL.      2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) Claim(s) 1-60 is/are pending in the application.
  - 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) Claim(s) \_\_\_\_\_ is/are allowed.
- 6) Claim(s) 1-6 and 9-60 is/are rejected.
- 7) Claim(s) 7 and 8 is/are objected to.
- 8) Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on \_\_\_\_\_ is/are: a) accepted or b) objected to by the Examiner.  
 Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
 Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
  - a) All    b) Some \* c) None of:
    1. Certified copies of the priority documents have been received.
    2. Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
    3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
|  | 6) <input type="checkbox"/> Other: _____                                    |

**DETAILED ACTION**

1. This Office action is in response to Applicant's response filed on 01/14/2005.
2. Claims 1-68 are presented for examination.
3. The rejection to claims 1-60 under 35 U.S.C. 103 (a) as being unpatentable over Hoffman et al in view Fromm as set forth in the Office action mailed on 09/15/2004 is maintained.

***Allowable Subject Matter***

4. Claims 7 and 8 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

***Claim Rejections - 35 USC § 103***

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. **Claims 1-68 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Hoffman et. al. (U.S. Pat. No. 6,397,198) in view of Fromm (U.S. Pat. No. 6,266,640).**

**As per claims 1, 2, 4-12, 15-24, 26-50, 54-60 and 62-68 Hoffman substantially**

**discloses** a tokenless biometric identification computer system/method, comprising at least a database containing registered biometric samples of users (which is seen to read as Applicant's claimed invention wherein it is stated that a computerized method for authenticating an electronic transaction between a user and a computer, the computer being configured to conduct electronic transactions), the method comprising the steps of: receiving a computer-generated transaction identifier from the computer via an electronic data link (see., abstract, lines 1-7, col 2, lines 38-59). Hoffman further discloses of matching user password (see., 4, lines 58-67, gathers a PIN code or password.

It is to be noted that Hoffman fails to explicitly disclose wherein said receiving a user-spoken transaction identifier and a user-spoken verification identifier transmitted by the user via a voice connection, comparing the user-spoken transaction identifier with the computer transaction identifier, comparing the user-spoken verification identifier with a voice print of the user, and transmitting an authentication message to the computer if the user-spoken transaction identifier matches the computer-generated transaction identifier and if the user-spoken verification identifier matches the voice print. However, Fromm discloses a technique for verifying a user's voice prior or the user's identity by use of a voice print before allowing the user to engage in commercial transactions see., Fromm, abstract, col 1, lines 55-67, col 3, lines 1-52, col 4, lines 26-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Hoffman's teaching by including the limitation detailed above as

taught by Fromm because this would verify voice sample against a previously stored voice print prior to allowing the transaction.

**As per claim 3, Hoffman discloses** the claimed method of providing the user voice print and user payment information prior to the electronic transaction (see., 4, lines 17-25, specifically wherein it is stated that please note that an electronic debit account is defined as an account that holds money deposited by the a user available for immediate debit in real time, please note that the money deposited that has been held is readable as the step of providing user payment information prior to the electronic transaction).

**As per claims 13, 14, 51-53, Hoffman discloses** the claimed method wherein the user conducts the electronic transaction using an ATM machine (see., col 4, lines 6-17, Fig 1, item 4 ATM ).

**As per claims 25, 61, Hoffman discloses** the claimed method, wherein the electronic transaction includes downloading music files (see., col 9, lines 1 and 2, col 10, lines 1-5).

#### RESPONSE TO ARGUMENTS

7. Applicant's arguments filed 06/10/2004 have been fully considered but they are not persuasive.

REMARKS

8. In response to Applicant's arguments, Applicant argues that the prior art of record taken alone or in combination fail to anticipate or render obvious the recited feature:

- a. "The Examiner has not provided the necessary (ATM) showing articulated in M.P.E.P. 2112 to support the inherency assertion. As indicated above, Hoffman discloses an electronic transaction using an ATM machine (see., col 4, lines 6-17, Fig 1, item 4 ATM ).
- b. "Receiving a user-spoken transaction identifier transmitted by the user via a voice connection". As indicated above, Fromm discloses this limitation wherein said a technique for verifying a user's voice prior or the user's identity by use of a voice print before allowing the user to engage in commercial transactions see., Fromm, abstract, col 1, lines 55-67, col 3, lines 1-52, col 4, lines 26-49). Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the Hoffman's teaching by including the limitation detailed above as taught by Fromm because this would verify voice sample against a previously store voice print prior to allowing the transaction.
- c. "The user conducts the electronic transaction by communicating with a bank teller (or ATM)". As noted above, it is believed that Hoffman discloses an electronic transaction using an ATM machine (see., col 4, lines 6-17, Fig 1, item 4 ATM ).

***Conclusion***

**9. THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Pierre E. Elisca whose telephone number is 703 305-3987. The examiner can normally be reached on 6:30 to 5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James Trammell can be reached on 703 305-9769. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).



Pierre Eddy Elisca

**Primary Patent Examiner**

**March 23, 2005**